



Order 99-8-19  
Served August 24, 1999

UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.

Issued by the Department of Transportation  
on the 20<sup>th</sup> day of August, 1999

Applications of

**ANTONOV DESIGN BUREAU**

**HEAVYLIFT-VOLGADNEPR LTD.**

for exemptions under 49 U.S.C. section 40109(g)

Dockets	<b>OST-98-4495</b>	<b>OST-98-4534</b>
	<b>OST-98-4502</b>	<b>OST-98-4540</b>
	<b>OST-98-4513</b>	<b>OST-98-4549</b>
	<b>OST-98-4516</b>	<b>OST-98-4564</b>
	<b>OST-98-4519</b>	<b>OST-98-4597</b>
	<b>OST-98-4520</b>	
	<b>OST-98-4524</b>	<b>OST-98-4551</b>
	<b>OST-98-4535</b>	<b>OST-98-4742</b>

## ORDER CONFIRMING EXEMPTIONS

### Summary

This order confirms our oral actions granting the applications of the above-referenced foreign air carriers for exemption authority to conduct emergency cabotage flights to support hurricane relief operations in Puerto Rico.

### Applications

The referenced foreign air carriers applied for exemption authority pursuant to 49 U.S.C. section 40109(g) to perform the air transportation activities shown in the attached Notices of Action Taken. The applicants stated that as a result of Hurricane Georges, Puerto Rico had sustained extensive damage, leaving the island without basic services. The applicants stated that the proposed flights would support emergency relief efforts to repair the island's damaged infrastructure. They also stated that the majority of the cargo consisted of outsized equipment, including generators and service vehicles, which could not be accommodated by U.S. carriers.

## Answers

Each applicant served its applications on those U.S. carriers operating large all-cargo aircraft. Each U.S. carrier indicated that it did not have aircraft available to conduct the proposed operations, and that it had no comment or did not oppose grant of the requested authority.

## Statutory Standards

Under 49 U.S.C. section 40109(g), we may authorize a foreign air carrier to carry commercial traffic between U.S. points (*i.e.*, cabotage traffic) under limited circumstances. Specifically, we must find that the authority is required in the public interest; that because of an emergency created by unusual circumstances not arising in the normal course of business, the traffic cannot be accommodated by U.S. carriers holding certificates under 49 U.S.C. section 41102; that all possible efforts have been made to place the traffic on U.S. carriers; and that the transportation is necessary to avoid unreasonable hardship to the traffic involved (an additional required finding, concerning emergency transportation during labor disputes, was not relevant here).<sup>1</sup>

## Disposition

As shown in the attached Notices of Action Taken, we orally granted the referenced foreign air carriers' requests for exemption authority to conduct their proposed emergency cabotage flights. We confirm our actions here. We found that each application met all of the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that grant of this authority was required in the public interest..<sup>2</sup>

The destruction caused by Hurricane Georges in Puerto Rico clearly constituted an emergency created by unusual circumstances not arising in the normal course of business. We found that grant of these requests would prevent unreasonable hardship to the affected citizens and avoid imposing unreasonable hardship on emergency relief efforts by facilitating the restoration of critical services. Finally, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operations at issue here.

In view of the above, we found that immediate action on these applications was required; that our actions met the relevant criteria of 49 U.S.C. 40109(g) and were required in the public interest; and that our actions did not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975.

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<sup>1</sup> For examples of earlier grants of authority of this type, *see* Order 95-11-35.

<sup>2</sup> We also found the applicants qualified to perform the operations at issue here (*see, e.g.*, Orders 93-10-19, 98-2-7, and 94-10-13).

**ACCORDINGLY,**

1. We confirm the actions described in the attached Notices of Action Taken which granted the referenced foreign air carriers exemption authority pursuant to 49 U.S.C. section 40109(g) to perform the operations described in those Notices;
2. In the conduct of the service, each applicant was required to adhere to the conditions set forth in Appendix A, and to any other conditions as noted in the attached Notices of Action Taken; and
3. We will serve this order on the applicants and the Federal Aviation Administration (AFS-200).

By:

**A. BRADLEY MIMS**  
Acting Assistant Secretary for Aviation  
and International Affairs

(SEAL)

*An electronic version of this document is available on the World Wide Web at:  
[http://dms.dot.gov/reports/reports\\_aviation.asp](http://dms.dot.gov/reports/reports_aviation.asp)*

**CONDITIONS OF AUTHORITY**

In the conduct of the operations authorized, the holder shall:

- (1) Not conduct any operations unless it holds a currently effective authorization from its homeland for such operations, and it has filed a copy of such authorization with the Department;
- (2) Comply with all applicable requirements of the Federal Aviation Administration, including, but not limited to, 14 CFR Parts 129, 91, and 36;
- (3) Comply with the requirements for minimum insurance coverage contained in 14 CFR Part 205, and, prior to the commencement of any operations under this authority, file evidence of such coverage, in the form of a completed OST Form 6411, with the Federal Aviation Administration's Program Management Branch (AFS-260), Flight Standards Service (any changes to, or termination of, insurance also shall be filed with that office);
- (4) Not operate aircraft under this authority unless it complies with operational safety requirements at least equivalent to Annex 6 of the Chicago Convention;
- (5) Conform to the airworthiness and airman competency requirements of its Government for international air services;
- (6) Comply with the requirements of 14 CFR Part 203, concerning waiver of Warsaw Convention liability limits and defenses;
- (7) Agree that operations under this authority constitute a waiver of sovereign immunity, for the purposes of 28 U.S.C. 1605(a), but only with respect to those actions or proceedings instituted against it in any court or other tribunal in the United States that are:
  - (a) based on its operations in international air transportation that, according to the contract of carriage, include a point in the United States as a point of origin, point of destination, or agreed stopping place, or for which the contract of carriage was purchased in the United States; or
  - (b) based on a claim under any international agreement or treaty cognizable in any court or other tribunal of the United States.

In this condition, the term "international air transportation" means "international transportation" as defined by the Warsaw Convention, except that all States shall be considered to be High Contracting Parties for the purpose of this definition;

- (8) Except as specifically authorized by the Department, originate or terminate all flights to/from the United States in its homeland;
- (9) Comply with the requirements of 14 CFR Part 217, concerning the reporting of scheduled, nonscheduled, and charter data;
- (10) If charter operations are authorized, comply with the Department's rules governing charters (including 14 CFR Parts 212 and 380); and
- (11) Comply with such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Department, with all applicable orders or regulations of other U.S. agencies and courts, and with all applicable laws of the United States.

This authority shall not be effective during any period when the holder is not in compliance with the conditions imposed above. Moreover, this authority cannot be sold or otherwise transferred without explicit Department approval under Title 49 of the U.S. Code (formerly the Federal Aviation Act of 1958, as amended).

(41301/40109) 12/96



**U.S. Department of  
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Office of the Secretary  
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## **NOTICE OF ACTION TAKEN**

**DOCKET OST-98-4495**

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

**Applicant: Antonov Design Bureau**

**Date Filed: September 23, 1998**

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to operate one one-way emergency cabotage charter flight from Philadelphia, PA, to Aguadilla, Puerto Rico, on or about September 23/24, 1998, using its AN-124 aircraft on behalf of Taylor Aviation to transport outsized cargo consisting of two power generators and related equipment, and approximately 42,000 pounds of water. The cargo is required by B. Braun Medical, a medical supply manufacturing facility in Aguadilla, to repair damages to its facility caused by Hurricane Georges.

Applicant representative: Sheryl Israel 202-663-8312

Responsive pleadings: Antonov served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operations, and that it had no comment or did not oppose grant of the requested authority.

### **DISPOSITION**

**Action: Approved**

**Action date: September 23, 1998**

**Effective dates of authority granted: September 23 - 27, 1998**

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operation at issue here. We also found that grant of Antonov's request would prevent undue hardship to Braun Medical and its customers by facilitating the rapid restoration of its manufacturing facility.

Except to the extent exempted/waived, this authority is subject to standard exemption conditions, and to the condition that Antonov comply with an FAA-approved flight routing for the authorized flight

Action taken by: **CHARLES A. HUNNICUTT**  
Assistant Secretary for Aviation  
and International Affairs



**U.S. Department of  
Transportation**  
Office of the Secretary  
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## NOTICE OF ACTION TAKEN

### DOCKET OST-98-4502

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Antonov Design Bureau**

Date Filed: September 25, 1998

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to operate 12 one-way emergency cabotage charter flights from Charleston, SC, to San Juan (Roosevelt Roads Naval Air Station), PR, during the period September 25-October 25, 1998, using its AN-124 aircraft, on behalf of Diplomat Freight Services, to transport outsized cargo consisting of outsized refrigerated ice containers, plus ancillary relief goods and equipment, to assist in the Federal Management Agency's hurricane relief activities following Hurricane Georges.

Applicant representative: Sheryl Israel 202-663-8312

Responsive pleadings: Antonov served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operations, and that it had no comment or did not oppose grant of the requested authority.

### DISPOSITION

Action: Approved

Action date: September 25, 1998

Effective dates of authority granted: September 25 - October 25, 1998

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operations at issue here. We also found that grant of Antonov's request would prevent undue hardship to the citizens of Puerto Rico and would avoid imposing unreasonable hardship on FEMA's emergency relief efforts by facilitating restoration of critical services.

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated:

☒ Standard exemption conditions (attached)    ☐ Foreign air carrier permit conditions (Order - - )

Special conditions: Antonov shall comply with an FAA-approved flight routing for the authorized flights, and obtain any requisite Department of Defense authorizations.

Action taken by: **CHARLES A. HUNNICUTT**  
Assistant Secretary for Aviation  
and International Affairs



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## NOTICE OF ACTION TAKEN

### DOCKET OST-98-4513

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Antonov Design Bureau**

Date Filed: September 29, 1998

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to operate emergency cabotage charter flights during the period September 29-October 6, 1998, using its AN-124 aircraft on behalf of Leading Edge Logistics, Alliance International, Geologistics Services and Sonic Air to transport cargo consisting of outsized power generating units, plus ancillary relief goods and equipment to assist in hurricane relief activities following Hurricane Georges, as follows: (1) two one-way flights from Jacksonville, FL, to San Juan, PR; (2) one one-way from Chicago, IL, to San Juan; (3) one one way from Chicago or Miami, FL, to San Juan; and (4) one one-way from Newark, NJ, to San Juan.

Applicant representative: Sheryl Israel 202-663-8312

Responsive pleadings: Antonov served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operations, and that it had no comment or did not oppose grant of the requested authority.

### DISPOSITION

Action: Approved

Action date: September 29, 1998

Effective dates of authority granted: September 29 - October 9, 1998

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operation at issue here. We also found that grant of Antonov's request would prevent undue hardship to the citizens of Puerto Rico and would avoid imposing unreasonable hardship on emergency relief efforts by facilitating restoration of critical services.

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated:

☒ Standard exemption conditions (attached)    ☐ Foreign air carrier permit conditions (Order - - )

Special conditions: Antonov shall comply with an FAA-approved flight routing for the authorized flights, and obtain any requisite Department of Defense authorizations.

Action taken by: **CHARLES A. HUNNICUTT**  
Assistant Secretary for Aviation  
and International Affairs



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## NOTICE OF ACTION TAKEN

### DOCKET OST-98-4513

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Antonov Design Bureau**

Date Filed: September 30, 1998

Relief requested: Amend exemption granted September 29, 1998, pursuant to 49 U.S.C. section 40109(g) to authorize one one-way operate emergency cabotage charter flight on September 30, 1998, from Chicago and Jacksonville to San Juan (in lieu of the previously-approved Chicago or Miami-San Juan flight) using its AN-124 aircraft on behalf of Geologistics Services to transport cargo consisting of outsized power generating units, plus ancillary relief goods and equipment.

Applicant representative: Sheryl Israel 202-663-8312

Responsive pleadings: Antonov served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operations, and that it had no comment or did not oppose grant of the requested authority.

### DISPOSITION

Action: Approved

Action date: September 30, 1998

Effective dates of authority granted: September 30 - October 3, 1998

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operation at issue here. We also found that grant of Antonov's request would prevent undue hardship to the citizens of Puerto Rico and would avoid imposing unreasonable hardship on emergency relief efforts by facilitating restoration of critical services.

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated:

☒ Standard exemption conditions (attached)    ☐ Foreign air carrier permit conditions (Order - - )

Special conditions: Antonov shall comply with an FAA-approved flight routing for the authorized flights, and obtain any requisite Department of Defense authorizations.

Action taken by: **CHARLES A. HUNNICUTT**  
Assistant Secretary for Aviation  
and International Affairs





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## NOTICE OF ACTION TAKEN

**DOCKET OST-98-4516**

**CORRECTED COPY\***

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Antonov Design Bureau**

Date Filed: September 29, 1998

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to operate three one-way emergency cabotage charter flights from Tampa, FL, to San Juan, PR, during the period October 1-7, 1998, using its AN-124 aircraft, on behalf of Curtis Air Services, to transport cargo consisting of outsized refrigeration trailers loaded with ice, plus ancillary equipment, to assist in hurricane relief activities following Hurricane Georges.

Applicant representative: Sheryl Israel 202-663-8312

Responsive pleadings: Antonov served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operations, and that it had no comment or did not oppose grant of the requested authority.

### DISPOSITION

Action: Approved

Action date: September 30, 1998

Effective dates of authority granted: October 1 - 7, 1998

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operations at issue here. We also found that grant of Antonov's request would prevent undue hardship to the citizens of Puerto Rico and would avoid imposing unreasonable hardship on emergency relief efforts by facilitating restoration of critical services.

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated:

X Standard exemption conditions (attached)    \_\_\_ Foreign air carrier permit conditions (Order - - )

Special conditions: Antonov shall comply with an FAA-approved flight routing for the authorized flights, and obtain any requisite Department of Defense authorizations.

Action taken by: **CHARLES A. HUNNICUTT**  
Assistant Secretary for Aviation  
and International Affairs

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\* To correct effective dates of authority granted.



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## NOTICE OF ACTION TAKEN

**DOCKET OST-98-4519**

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Antonov Design Bureau**

Date Filed: September 30, 1998

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to operate 12 one-way emergency cabotage charter flights from Charleston, SC, to San Juan (Roosevelt Roads Naval Air Station), PR, during the period September 30-October 30, 1998, using its AN-124 aircraft, on behalf of Diplomat Freight Services, to transport outsized cargo consisting of at least 30 potable water trucks and trailers and one maintenance truck, plus ancillary equipment, to assist in the Federal Management Agency's hurricane relief activities following Hurricane Georges.

Applicant representative: Sheryl Israel 202-663-8312

Responsive pleadings: Antonov served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operations, and that it had no comment or did not oppose grant of the requested authority.

### DISPOSITION

Action: Approved

Action date: September 30, 1998

Effective dates of authority granted: September 30 - October 30, 1998

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operations at issue here. We also found that grant of Antonov's request would prevent undue hardship to the citizens of Puerto Rico and would avoid imposing unreasonable hardship on FEMA's emergency relief efforts by facilitating restoration of critical services.

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated:

X Standard exemption conditions (attached)    \_\_\_ Foreign air carrier permit conditions (Order - - )

Special conditions: Antonov shall comply with an FAA-approved flight routing for the authorized flights, and obtain any requisite Department of Defense authorizations.

Action taken by: **CHARLES A. HUNNICUTT**  
Assistant Secretary for Aviation  
and International Affairs



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## NOTICE OF ACTION TAKEN

**DOCKET OST-98-4520**

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Antonov Design Bureau**

Date Filed: September 30, 1998

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to operate one one-way emergency cabotage charter flight from Boston, MA, to San Juan, PR, during the period September 30-October 4, 1998, using its AN-124 aircraft, on behalf of Podd & Associates, Inc., to transport cargo consisting of outsized power generators, plus ancillary equipment, to assist in hurricane relief activities following Hurricane Georges.

Applicant representative: Sheryl Israel 202-663-8312

Responsive pleadings: Antonov served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operation, and that it had no comment or did not oppose grant of the requested authority.

### DISPOSITION

Action: Approved

Action date: September 30, 1998

Effective dates of authority granted: September 30 - October 4, 1998

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operation at issue here. We also found that grant of Antonov's request would prevent undue hardship to the citizens of Puerto Rico and would avoid imposing unreasonable hardship on emergency relief efforts by facilitating restoration of critical services.

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated:

☒ Standard exemption conditions (attached)    ☐ Foreign air carrier permit conditions (Order - - )

Special conditions: Antonov shall comply with an FAA-approved flight routing for the authorized flights, and obtain any requisite Department of Defense authorizations.

Action taken by: **CHARLES A. HUNNICUTT**  
Assistant Secretary for Aviation  
and International Affairs



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## NOTICE OF ACTION TAKEN

### DOCKET OST-98-4534

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Antonov Design Bureau**

Date Filed: October 2, 1998

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to operate two one-way emergency cabotage charter flights from Newark, NJ, to San Juan, PR, October 3-8, 1998, using its AN-124 aircraft, on behalf of Podd & Associates, Inc., to transport cargo consisting of outsized power generators, plus ancillary equipment, to assist in hurricane relief activities following Hurricane Georges.

Applicant representative: Sheryl Israel 202-663-8312

Responsive pleadings: Antonov served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operations, and that it had no comment or did not oppose grant of the requested authority.

### DISPOSITION

Action: Approved

Action date: October 2, 1998

Effective dates of authority granted: October 3 - 8, 1998

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operations at issue here. We also found that grant of Antonov's request would prevent undue hardship to the citizens of Puerto Rico and would avoid imposing unreasonable hardship on emergency relief efforts by facilitating restoration of critical services.

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated:

☒ Standard exemption conditions (attached)    ☐ Foreign air carrier permit conditions (Order - - )

Special conditions: Antonov shall comply with an FAA-approved flight routing for the authorized flights.

Action taken by: **CHARLES A. HUNNICUTT**  
Assistant Secretary for Aviation  
and International Affairs



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## NOTICE OF ACTION TAKEN

**DOCKET OST-98-4540**

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Antonov Design Bureau**

Date Filed: October 5, 1998

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to operate one one-way emergency cabotage charter flight from Philadelphia, PA, to San Juan, PR, between October 5-7, 1998, using its AN-124 aircraft, on behalf of Geologistics Services, Inc., to transport cargo consisting of an outsized water treatment trailer plus ancillary equipment to assist in hurricane relief activities following Hurricane Georges.

Applicant representative: Sheryl Israel 202-663-8312

Responsive pleadings: Antonov served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operation, and that it had no comment or did not oppose grant of the requested authority.

### DISPOSITION

Action: Approved

Action date: October 5, 1998

Effective dates of authority granted: October 5 - 7, 1998

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operation at issue here. We also found that grant of Antonov's request would prevent undue hardship to the citizens of Puerto Rico and would avoid imposing unreasonable hardship on emergency relief efforts by facilitating restoration of critical services.

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated:

☒ Standard exemption conditions (attached)    ☐ Foreign air carrier permit conditions (Order - - )

Special conditions: Antonov shall comply with an FAA-approved flight routing for the authorized flights.

Action taken by: **CHARLES A. HUNNICUTT**  
Assistant Secretary for Aviation  
and International Affairs



**U.S. Department of  
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## NOTICE OF ACTION TAKEN

**DOCKET OST-98-4549**

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Antonov Design Bureau**

Date Filed: October 6, 1998

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to operate five one-way emergency cabotage charter flights from Springfield-Chicopee, MA (Westover AFB), to San Juan/Roosevelt Roads Naval Air Station, PR, during the period October 6-15, 1998, using its AN-124 aircraft, on behalf of Podd & Associates, Inc., to transport outsized cargo consisting of telephone utility, maintenance and auger vehicles and trailers, plus ancillary equipment, to assist in the Federal Emergency Management Agency's hurricane relief activities following Hurricane Georges.

Applicant representative: Sheryl Israel 202-663-8312

Responsive pleadings: Antonov served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operations, and that it had no comment or did not oppose grant of the requested authority.

### DISPOSITION

Action: Approved

Action date: October 6, 1998

Effective dates of authority granted: October 6 - 15, 1998

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operations at issue here. We also found that grant of Antonov's request would prevent undue hardship to the citizens of Puerto Rico and would avoid imposing unreasonable hardship on FEMA's emergency relief efforts by facilitating restoration of critical services.

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated:

☒ Standard exemption conditions (attached)    ☐ Foreign air carrier permit conditions (Order - - )

Special conditions: Antonov shall comply with an FAA-approved flight routing for the authorized flights, and obtain any requisite Department of Defense authorizations.

Action taken by: **CHARLES A. HUNNICUTT**  
Assistant Secretary for Aviation  
and International Affairs



**U.S. Department of  
Transportation**  
Office of the Secretary  
of Transportation

## NOTICE OF ACTION TAKEN

### DOCKET OST-98-4549

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Antonov Design Bureau**

Date Filed: October 7,8,9, 1998

Relief requested: Amend exemption granted October 6, 1998, pursuant to 49 U.S.C. section 40109(g) to add authority to operate five additional one-way emergency cabotage charter flights from Springfield-Chicopee, MA (Westover AFB); Newburgh, NY; Newark, NJ; and Fort Drum/Wheeler-Sack AAF, NY, to San Juan/Roosevelt Roads Naval Air Station, PR, through October 25, 1998, using its AN-124 aircraft, on behalf of Podd & Associates, Inc., to transport outsized cargo consisting of telephone utility, maintenance and auger vehicles and trailers plus ancillary equipment, to assist in the Federal Emergency Management Agency's hurricane relief activities following Hurricane Georges.

Applicant representative: Sheryl Israel 202-663-8312

Responsive pleadings: Antonov served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operations, and that it had no comment or did not oppose grant of the requested authority.

### DISPOSITION

Action: Approved

Action date: October 9, 1998

Effective dates of authority granted: October 9 - 25, 1998

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operations at issue here. We also found that grant of Antonov's request would prevent undue hardship to the citizens of Puerto Rico and would avoid imposing unreasonable hardship on FEMA's emergency relief efforts by facilitating restoration of critical services.

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated:

☒ Standard exemption conditions (attached)    ☐ Foreign air carrier permit conditions (Order - - )

Special conditions: Antonov shall comply with an FAA-approved flight routing for the authorized flights, and obtain any requisite Department of Defense authorizations.

Action taken by: **CHARLES A. HUNNICUTT**  
Assistant Secretary for Aviation  
and International Affairs



**U.S. Department of  
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Office of the Secretary  
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## NOTICE OF ACTION TAKEN

**DOCKET OST-98-4564**

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Antonov Design Bureau**

Date Filed: October 9, 1998

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to operate twelve one-way emergency cabotage charter flights from Charleston, SC, and Charlotte, NC, to San Juan/Roosevelt Roads Naval Air Station, PR, during the period October 10-31, 1998, using its AN-124 aircraft, on behalf of Diplomat Freight Services., to transport outsized cargo consisting of approximately 34 outsized utility service vehicles plus ancillary vehicles and equipment, to assist in the Federal Emergency Management Agency's hurricane relief activities following Hurricane Georges.

Applicant representative: Sheryl Israel 202-663-8312

Responsive pleadings: Antonov served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operations, and that it had no comment or did not oppose grant of the requested authority.

### DISPOSITION

Action: Approved

Action date: October 9, 1998

Effective dates of authority granted: October 10 - 31, 1998

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operations at issue here. We also found that grant of Antonov's request would prevent undue hardship to the citizens of Puerto Rico and would avoid imposing unreasonable hardship on FEMA's emergency relief efforts by facilitating restoration of critical services.

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated:

☒ Standard exemption conditions (attached)    ☐ Foreign air carrier permit conditions (Order - - )

Special conditions: Antonov shall comply with an FAA-approved flight routing for the authorized flights, and obtain any requisite Department of Defense authorizations.

Action taken by: **CHARLES A. HUNNICUTT**  
Assistant Secretary for Aviation  
and International Affairs





**U.S. Department of  
Transportation**  
Office of the Secretary  
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## **NOTICE OF ACTION TAKEN**

**DOCKET OST-98-4597**

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Antonov Design Bureau**

Date Filed: October 16, 1998

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to operate two one-way emergency cabotage charter flights from Roosevelt Roads Naval Air Station, PR, to Charlotte, NC, during the period October 16-19, 1998, using its AN-124 aircraft, under contract with Podd & Associates, Inc. The flights are to return outsized FEMA and DOD mobile satellite units plus ancillary equipment that was used in hurricane relief activities following Hurricane Georges for immediate retrofitting and repositioning in the event of another emergency.

Applicant representative: Sheryl Israel 202-663-8312

Responsive pleadings: Antonov served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operations, and that it had no comment or did not oppose grant of the requested authority.

### **DISPOSITION**

Action: Approved

Action date: October 16, 1998

Effective dates of authority granted: October 16 - 19, 1998

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operations at issue here. We also found that grant of Antonov's request would prevent undue hardship on FEMA and DOD.

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated:

☒ Standard exemption conditions (attached)    ☐ Foreign air carrier permit conditions (Order - - )

Special conditions: Antonov shall comply with an FAA-approved flight routing for the authorized flights, and obtain any requisite Department of Defense authorizations.

Action taken by: **CHARLES A. HUNNICUTT**  
Assistant Secretary for Aviation  
and International Affairs



**U.S. Department of  
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## **NOTICE OF ACTION TAKEN**

### **DOCKET OST-98-4524**

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

**Applicant: Heavylift-VolgaDnepr Ltd.**

**Date Filed: October 1, 1998**

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to permit it to operate, using its AN-124 aircraft, (1) one one-way cargo charter flight between Houston, TX, and San Juan, PR, on or about October 2, 1998, to transport two 45,000-pound units of roofing material (30.5x4.17x7.5 feet each) on behalf of Starkist Foods to repair damages to its facility caused by Hurricane Georges; and (2) one one-way charter from Greensboro, NC, to Aguadilla, PR, on October 3-4, 1998, on behalf of Sara Lee Corp. to transport 98,000 pounds of humanitarian relief goods to aid in hurricane recovery activities.

**Applicant representative: Lester Bridgeman (334) 432-1414**

Responsive pleadings: Heavylift-VolgaDnepr served its request to conduct its proposed oversized Houston flight on those U.S. carriers operating large all-cargo aircraft. It served its request to transport relief goods from Greensboro to Aguadilla on all U.S.-certificated carriers. Each carrier indicated that it did not have aircraft available to conduct the operations, and that it had no comment or did not oppose grant of the authority.

### **DISPOSITION**

**Action: Approved**

**Action date: October 1 and 2, 1998**

**Effective dates of authority granted: October 1 - 4, 1998**

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operations at issue here. We also found that grant of Heavylift-VolgaDnepr's request would prevent undue hardship to the citizens of Puerto Rico, would avoid imposing unreasonable hardship on emergency relief efforts, and would prevent undue hardship to Starkist Foods by facilitating the rapid restoration of its facility.

Except to the extent exempted/waived, this authority is subject to standard exemption conditions and to the condition that Heavylift-VolgaDnepr comply with an FAA-approved flight routing for the authorized flight.

**Action taken by: Charles A. Hunnicutt**  
**Assistant Secretary for Aviation**  
**and International Affairs**



**U.S. Department of  
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## **NOTICE OF ACTION TAKEN**

### **DOCKET OST-98-4535**

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

**Applicant: Heavylift-VolgaDnepr Ltd.**

**Date Filed: October 2, 1998**

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to permit it to operate one one-way cargo charter flight between Kansas City, MO, and San Juan, PR, on or about October 2, 1998, using its AN-124 aircraft, to transport one electrical generator (17.33x7.33x8.5 feet) on behalf of Union Camp to repair damages to its plant caused by Hurricane Georges.

Applicant representative: Lester Bridgeman (334) 432-1414

Responsive pleadings: Heavylift-VolgaDnepr served its request on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the operation, and that it had no comment or did not oppose grant of the authority.

### **DISPOSITION**

**Action: Approved**

**Action date: October 2, 1998**

Effective dates of authority granted: October 2 - 5, 1998

Basis for approval: We found that the application, as approved, met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operation at issue here. We also found that grant of Heavylift-VolgaDnepr's request would prevent undue hardship to Union Camp by facilitating the rapid restoration of its facility.

Except to the extent exempted/waived, this authority is subject to standard exemption conditions and to the condition that Heavylift-VolgaDnepr comply with an FAA-approved flight routing for the authorized flight

Action taken by: Charles A. Hunnicutt  
Assistant Secretary for Aviation  
and International Affairs



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## **NOTICE OF ACTION TAKEN**

### **DOCKET OST-98-4551**

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

**Applicant: Heavylift-VolgaDnepr Ltd.**

**Date Filed: October 7, 1998**

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to permit it to operate one one-way cargo charter flight between Miami, FL, and San Juan, PR, on or about October 7, 1998, using its IL76 aircraft, to transport one electrical generator (20'x4'6"x8'6") to the El Conquistador Resort to restore power and operations interrupted by Hurricane Georges.

Applicant representative: Lester Bridgeman (334) 432-1414

Responsive pleadings: Heavylift-VolgaDnepr served its request on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the operation, and that it had no comment or did not oppose grant of the authority.

### **DISPOSITION**

**Action: Approved**

**Action date: October 7, 1998**

Effective dates of authority granted: October 7 - 10, 1998

Basis for approval: We found that the application, as approved, met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operation at issue here. We also found that grant of Heavylift-VolgaDnepr's request would prevent undue hardship to the El Conquistador Resort by facilitating the rapid restoration of its facility.

Except to the extent exempted/waived, this authority is subject to standard exemption conditions and to the condition that Heavylift-VolgaDnepr comply with an FAA-approved flight routing for the authorized flight

Action taken by: Charles A. Hunnicutt  
Assistant Secretary for Aviation  
and International Affairs



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## **NOTICE OF ACTION TAKEN**

**DOCKET OST-98-4742**

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

**Applicant: Heavylift-VolgaDnepr Ltd.**

**Date Filed: November 12, 1998**

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to permit it to operate one one-way emergency cabotage cargo charter flight from Mobile, AL, to San Juan, PR, on November 12, 1998, using its AN-124 aircraft, to transport an outsized stump grinder on behalf of Jesco Construction Corp. The applicant stated that the municipality of Tao Alto, PR, and the Federal Emergency Management Administration required immediate delivery in order to commence long overdue clearance of debris caused by Hurricane Georges. It stated that further delay would increase the risk of health hazards as well as physical danger from river clogging and flooding.

**Applicant representative: Lester Bridgeman (334) 432-1414**

Responsive pleadings: Heavylift-VolgaDnepr served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operations, and that it had no comment or did not oppose grant of the requested authority to Heavylift-VolgaDnepr.

### **DISPOSITION**

**Action: Approved**

**Action date: November 12, 1998**

**Effective dates of authority granted: November 12, 1998**

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operation at issue here. We also found that grant of Heavylift-VolgaDnepr's request would prevent undue hardship to the citizens of Puerto Rico and avoid imposing unreasonable hardship on Tao Alto's and FEMA's hurricane cleanup efforts.

Except to the extent exempted/waived, this authority is subject to standard exemption conditions and to the condition that Heavylift-VolgaDnepr comply with an FAA-approved flight routing for the authorized flight.

**Action taken by: Charles A. Hunnicutt**  
**Assistant Secretary for Aviation**  
**and International Affairs**